REMARKS

This Amendment is responsive to the Office Action dated March 10, 2005. Applicants have amended claims 1-2 and 5-13. Claims 1-13 are still pending.

In the Office Action, the Examiner objected to claim 5 as including a term that lacks antecedent basis. Claim 5 has been amended in a manner that addresses this informality.

In the Office Action, the Examiner rejected claims 1, 3, 4, 7 and 11 under 35 U.S.C. 102(e) as being anticipated by Beck et al. (US 6,700,729); and rejected claims 2 and 8 under 35 U.S.C. 103(a) as being unpatentable over Beck in view of Albrecht et al. (US 5,930,065). The Examiner also rejected claims 5, 6, 9, 10, 12 and 13 under 35 U.S.C. 103(a) as being unpatentable over Beck in view of "applicant's admitted prior art."

In response to the rejections, Applicants have amended the claims to clarify the claimed invention. Applicants respectfully traverse the rejections to the extent such rejections may be considered applicable to the amended claims. The applied references fail to disclose or suggest the inventions defined by Applicants' claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention.

All pending independent claims now clarify that the linear recording medium includes two different types of pairs of servo transitions. In particular, all pending claims clarify that the medium includes pairs of non-parallel servo transitions and pairs of parallel servo transitions. Moreover, as claimed, for each of the pairs of non-parallel servo transitions there is a corresponding pair of parallel servo transitions. These features are not shown or suggested in Beck or Albrecht.

In particular, while Beck may illustrate the creation of pairs of non-parallel transitions using non-parallel gaps 41, the other gaps 31 of Beck do not create pairs of parallel transitions, as required by Applicants' amended claims. Instead, in Beck, only a single gap 31 corresponds to each of the pairs of non-parallel gaps 41. Put another way, Beck uses gap 31 to write individual transitions, not pairs of parallel transitions. Accordingly, Beck lacks any suggestion of a corresponding pair of parallel servo transitions for each of the pairs of non-parallel servo transitions, as required by Applicants' independent claims. Albrecht, likewise, lacks any suggestion of corresponding pairs of parallel servo transitions for each of the pairs of non-parallel servo transitions, as required by Applicants' independent claims.

Claims 2 and 8 have been further amended to clarify that the modulated distances relate to adjacent pairs of non-parallel servo transitions as a function of location of the pairs of non-parallel servo transitions on the medium. Moreover, as recited in amended claims 2 and 8, the modulated distances are encoded to define position error signals such that a drive designed to expect essentially no modulated distances between adjacent parallel servo transitions on the medium will generate the position error signals.

In Albrecht, sets of servo marks are defined for each servo frame. The servo mark pairs are non-parallel in Albrecht. Like Beck, however, nothing in Albrecht suggests corresponding pairs of parallel servo transitions for each of the pairs of non-parallel servo transitions, as required by Applicants' independent claims.

Moreover, Albright also lacks the features of claims 2 and 8, as amended. Specifically, while the distances between the various marks in any given set are modulated in Albrecht, the average distances between the sets of servo marks are always held constant in Albrecht. In this manner, Albrecht provides a mechanism for maintaining constant average distance between sets of servo marks for servo tracking purposes, and provides the ability to encode information into the different sets of marks by modulating distances between marks within a given servo frame.

In Albrecht, however, the modulated distances are not encoded to define position error signals such that a drive designed to expect essentially no modulated distances between adjacent parallel servo transitions on the medium will generate the position error signals, as required by Applicants' claims 2 and 8. To be sure, in Albrecht, the average distances between the different sets of servo marks are held constant. Since the average distances between the sets of servo marks are held constant, the pattern of Albrecht is not encoded with intentional position error signals. In view of this important distinction, claims 2 and 8 even further distinguish the claimed invention from the applied prior art and should be in condition for allowance.

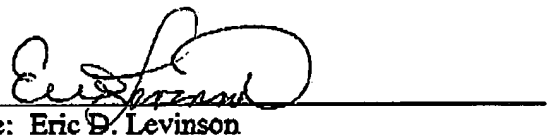
With regard to the rejections of claims 5, 6, 9, 10, 12 and 13 in reliance on admitted prior art, Applicants respectively point out that the Examiner has misinterpreted FIG. 7 of Applicants' specification. In FIG. 7, only the left-most portion illustrates the prior art, whereas the right-most portion illustrates an embodiment of the invention, in which the transitions of the pairs of parallel servo transitions have roughened gap edge profiles. Applicants do not admit that roughened gap edge profiles illustrated in the right-most part of FIG. 7 are prior art. On the contrary, FIG. 7

illustrates these inventive features in the context of prior art profiles shown in the left-most portion only of FIG. 7 for comparison purposes. At page 3, lines 15-16, Applicants' specification clearly shows that Applicants considered the features of FIG. 7 to be an embodiment of the invention. Thus, contrary to the Examiner's statement in the Office Action, the features of claims 5, 6, 9, 10, 12 and 13 have not been admitted as being prior art. For this additional reason, the rejections of claims 5, 6, 9, 10, 12 and 13 should be withdrawn.

CONCLUSION

All claims in this application are in condition for allowance. Applicants respectfully request reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 09-0069. The Examiner is invited to telephone the below-signed attorney to discuss this application.

Date: 6/3/5

By: 

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